

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES MAXWELL,

Plaintiff,

v.

9:15-CV-1509
(MAD/TWD)

TIMOTHY J. FARRELL, et al.,

Defendants.

APPEARANCES:

JAMES MAXWELL

0080005

Plaintiff, pro se

St. Lawrence Psychiatric Center

1 Chimney Point Drive

Ogdensburg, NY 13669

MAE A. D'AGOSTINO

United States District Judge

DECISION and ORDER

Plaintiff James Maxwell commenced this action by filing a pro se complaint, together with an application to proceed in forma pauperis. Dkt. No. 1 ("Compl."), Dkt. No. 4 ("IFP Application"). By Decision and Order filed April 20, 2016, plaintiff's IFP application was granted, but following review of the complaint in accordance with 28 U.S.C. § 1915(e)(2)(b), the Court found that it was subject to dismissal for failure to state a claim upon which relief may be granted. Dkt. No. 7 (the "April 2016 Order"). In light of his pro se status, plaintiff was afforded an opportunity to submit an amended complaint. *Id.* In response to the April 2016 Order, plaintiff submitted a one page submission. Dkt. No. 8. Liberally construed, plaintiff argues that he was improperly convicted of a crime in Orange County Court in 2003, and

therefore he is wrongly civilly confined as a sex offender requiring treatment based upon a crime that he did not commit. See *generally id.* There is no caption and no defendants are named. Plaintiff's submission does not comply with the April 2016 Order. Plaintiff has set forth no claim against any of the named defendants. Moreover, to the extent that plaintiff is attempting to challenge his civil confinement as a sex offender requiring treatment, he was advised in the April 2016 Order that "he may raise that claim only in a petition for a writ of habeas corpus, not in a Section 1983 suit." April 2016 Order at 5-6 (citing cases).

Thus, for all of the reasons set forth herein and in the April 2016 Order, and because plaintiff has already had an opportunity to amend his claims, this action is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted.

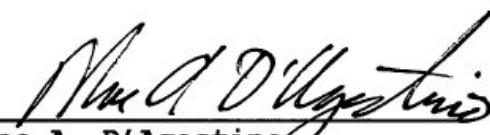
WHEREFORE, it is hereby

ORDERED that this action is **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted. The Clerk is directed to close this case; and it is further

ORDERED that the Clerk shall serve a copy of this Decision and Order on plaintiff.

IT IS SO ORDERED.

Dated: June 15, 2016
Albany, NY



Mae A. D'Agostino
U.S. District Judge